



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,607	10/03/2003	Frederick Hayes-Roth	FHR-102	6153
30869	7590	11/14/2008	EXAMINER	
LUMEN PATENT FIRM, INC. 2345 YALE STREET SECOND FLOOR PALO ALTO, CA 94306			ANDERSON, FOLASHADE	
			ART UNIT	PAPER NUMBER
			3623	
			MAIL DATE	DELIVERY MODE
			11/14/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/678,607	HAYES-ROTH, FREDERICK	
	<b>Examiner</b>	<b>Art Unit</b>	
	FOLASHADE ANDERSON	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 July 2008.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-51 is/are pending in the application.  
 4a) Of the above claim(s) 49-51 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-48 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. This is the first non-final office action in response to Applicant's submission filed on July 14, 2008. Currently, claims 1-51 are pending and claims 49-51 have been withdrawn.

### ***Election/Restrictions***

2. Applicant's election of Group I, claims 1-48, in the reply filed on July 14, 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on October 3, 2003 was considered by the Examiner in the prosecution of the claims in the instant application.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-48 rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a creditably asserted utility or a well established utility.

Claim 1 recites a “**continually evolving world model**” which would require one of ordinary skill in the art to do undue experimentation to create an operable “**continually evolving world model**.”

Claims 2-48 depend from claim 1 and therefore suffer similar deficiencies as such are rejected for the same reason given above with regard to claim 1.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-48 also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a creditably asserted utility or a well established utility for the reasons set forth above with respect to the 35 U.S.C 101 rejection, one skilled in the art clearly would not know how to use the claimed invention, without undue experimentation.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-48 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "**improving**" in claim 1 is a relative term which renders the claim indefinite. The term "**improving**" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 2-48 depend from claim 1 as such suffer similar deficiencies as such are rejected for the same reason given above with regard to claim 1.

10. Claim 1 is directed to "**[a]n open community model for exchanging information in a dynamic environment**", which fails to identify the statutory class of Applicant's claimed invention. The claim further recites "**means for**" type language which is normally associated with a system type claim. As such, it is unclear to the Examiner which statutory class Applicant intends to claim.

Claims 2-48 depend from claim 1 and therefore suffer similar deficiencies as such are rejected for the same reason given above with regard to claim 1.

11. Claim 12 and 13 recite the limitation "said means for optimizing said world model" of claim 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-7, 12, 13, 23, and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Shah et al. (US Publication 2004/0073490 A1).

**Claim 1 Shah teaches an open community model for exchanging information in a dynamic environment, said open community model comprising:**

**means for enabling suppliers, consumers, prosumers, potential suppliers, potential consumers, and potential prosumers to access said open community model via open platform data encoding standards** (0026, where the open platform data encoding standard is equivalent to XML and SOAP);

**a continually evolving world model** (0032, “the dynamic delivery service automatically updates the targeted recipient's schedule”);

**means for enabling said suppliers, said potential suppliers, said prosumers, and said potential prosumers to supply timely information about themselves, about said dynamic environment, or a combination thereof to said world model** (0026, “the user controls access to and usage of information associated with his or her identity”, where themselves is the equivalent of his or her identity);

**means for updating and improving said world model based on said timely information** (0034, “real-time or near real time location information for the target recipient is also displayed”, where the user control access to their location and by providing the location information in real time to the delivery personal it has improved the delivery service provided to the customer);

**means for generating integrated information based on said world model, said integrated information reflecting a continually evolving knowledge of said dynamic environment** (0034); and

**means for enabling said consumers and said prosumers to receive and evaluate said integrated information** (0034, “based on this information the delivery personal...is able to find...the recipient”, where it is the delivery person who evaluates the real-time location information to locate the customer).

Claim 2 Shah teaches **means for publicizing a description of information types said world model receives and provides, wherein said suppliers, said potential suppliers, said prosumers, and said potential prosumers supply said timely information consistent with said description, and wherein said consumers, and said prosumers receive said integrated information encoded in a manner consistent with said description** (0029, “the schedule information received...need not be represented in the visual form...is represented...as XML-encoded data”).

Claim 3 Shah teaches **means for encoding said timely information and said integrated information in a structured syntax language conforming to said open**

**platform data encoding standards and in accordance with said description of information types (0029).**

Claim 4 Shah teaches **a plurality of sub-communities each associated with a continually evolving community-specific world model and each publicizes a community-specific description of information types (0029,** “the dynamic service assistant is able to determine that the target recipient will not be available to take delivery of the package”, where the community specific information is the availability of the customer).

Claim 5 Shah teaches **wherein each of said plurality of sub-communities is capable of encoding said timely information and said integrated information in a structured syntax language conforming to said open platform data encoding standards and in accordance with said community-specific description of information types (0029).**

Claim 6 & 7 Shah teaches **said plurality of sub-communities are distributed in a public accessible network having no centralized total information base for said world model (0011,** “publicly available network” where it is inherent that there is no single centralized information storage base).

Claim 7 recites similar claim language to claim 6 therefore is rejected for the same reasoning given with respect to claim 6.

Claim 12 Shah teaches **said means for optimizing said world model further comprising: means for generating model estimates; and means for adjusting said**

**model estimates based on said timely information** (0022; where the rescheduling is the equivalent of an estimated based on timely information).

Claim 13 Shah teaches **said means for optimizing said world model further comprising: means for identifying model discrepancies, wherein said world model is capable of adapting to reduce said discrepancies** (0021; where availability is old and well known in the art to be a type of discrepancy).

Claim 23 Shah teaches **means for allowing members of said open community to specify, change, or augment categories of information that they supply, receive, or utilize** (0014-0015; where member specified information is the equivalent of a user account information).

Claim 48 Shah teaches **open platform data encoding standards include World Wide Web Consortium conforming standards** (col. 2, lines 15-19; where XML is an old and well known World Wide Web Consortium standard).

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 8, 9, 14, 15, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (US Publication 2004/0073490 A1) in view of Sundaresan (US Patent 7,080,064 B2)

Claim 8 Shah teaches **in which said means for enabling said consumers and said prosumers to receive and evaluate said integrated information** (0026) Shah does teach **further enables said consumers and said prosumers to provide feedback on said integrated information to said world model.**

Sundaresan teaches **enables said consumers and said prosumers to provide feedback on said integrated information to said world model** (col. 2, lines 57-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the feedback on said integrated information as taught by Sundaresan since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 9 Shah does not teach **in which said feedback relates to quality of information received, value of information received, kind of information desired, or a combination thereof.**

Sundaresan teaches **said feedback relates to quality of information received, value of information received, kind of information desired, or a combination thereof** (col. 2, lines 65-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the feedback on the quality of information as taught by Sundaresan since the claimed invention is merely a combination of old elements, and in the combination each element merely would have

performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable

**Claim 14 Shah does not teach means for assessing quality of said timely information, wherein said timely information is admitted or rejected by said world model based on assessment results; and means for providing said assessment results to said suppliers, said potential suppliers, said prosumers, and said potential prosumers.**

Sundaresan teaches:

- **means for assessing quality of said timely information, wherein said timely information is admitted or rejected by said world model based on assessment results** (col. 5, lines 50-58); and
- **means for providing said assessment results to said suppliers, said potential suppliers, said prosumers, and said potential prosumers** (col. 6, lines 36-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the an assessment of the results and the displaying of the results as taught by Sundaresan since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Claim 15 Shah teaches means for causing differential payments to said suppliers and said prosumers (0021).**

Claim 19 Shah does not teach **means for rating said suppliers and said prosumers based on said assessment results.**

Sundaresan teaches **means for rating said suppliers and said prosumers based on said assessment results** (col. 6, lines 59-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the rating of suppliers or prosumer based on assessment results as taught by Sundaresan since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 22 Shah teaches dynamically update information in the system (0020); **an information base representing said integrated information utilized by said means for updating and improving said world model which comprises world model update** (0016-17); however while querying process is implied in the use of a database (information base) Shah does not expressly teach **query processing application services.**

Sundaresan teaches **query processing application services** (col. 2, lines 47-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah querying as taught by Sundaresan since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did

separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

16. Claims 10, 11, 18, 20, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (US Publication 2004/0073490 A1) in view of Sundaresan (US Patent 7,080,064 B2) as applies above and in further view of Kaiser et al. (The Official eBay Guide, published 1999)

Claim 10 and 18 Sundaresan teaches feedback to quality (col. 2, lines 65-67); however Shah and Sundaresan are silent **on said quality relates to timeliness, accuracy, error rates, or reliability.**

Kaiser teaches **quality relates to timeliness, accuracy, error rates, or reliability**(pg. 34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah and Sundaresan the old and well known feature that allows prosumers to dispute said feedback and a means to justify said feedback as taught by Kaiser since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 18 is substanually similar to claim 10. Therefore this claim is rejected for the same reasoning given with regards to claim 10.

Claim 11 and 21 Shah and Sundaresan are silent on **means for allowing said suppliers, said potential suppliers, and said prosumers to dispute said feedback; and means for allowing said consumers and said prosumers to justify said feedback.**

Kaiser teaches **means for allowing said suppliers, said potential suppliers, and said prosumers to dispute said feedback; and means for allowing said consumers and said prosumers to justify said feedback** (pg. 35, 148-149).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah and Sundaresan the old and well known feature that allows prosumers to dispute said feedback and a means to justify said feedback as taught by Kaiser since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 21 is substantially similar to claim 11. Therefore this claim is rejected for the same reasoning given with regards to claim 11.

Claim 20 Shah and Sundaresan are silent on **means for rating said consumers and said prosumers based on factors including credit or payment history, magnitude of payments, and precision of information requirements.**

Kaiser teaches on **means for rating said consumers and said prosumers based on factors including credit or payment history, magnitude of payments, and precision of information requirements** (pg 136, 143).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah and Sundaresan the rating of consumers and prosumers based on various factors as taught by Kaiser since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 24 Shah and Sundaresan are silent on **means for enabling said consumers and said prosumers to offer a bid for desired information.**

Keiser teaches **means for enabling said consumers and said prosumers to offer a bid for desired information** (pg. 57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah and Sundaresan the bidding by consumers and prosumers for information as taught by Kaiser since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

17. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (US Publication 2004/0073490 A1) in view of Sundaresan (US Patent

7,080,064 B2) as applies above and in further view of Urry (Four-star push behind advance at Macdonald, published 1999).

Claim 16 and 17 Shah teaches fees and payment (0021). Sundaresan teaches assessment results (col. 5, lines 50-58). However Shah and Sundaresan do not teach **means for determining differential payments based on said assessment results.**

Official notice is taken that it is very old and well known in the art that payment (sells price) are based on and determined by the perceived quality of an item, i.e. **means for determining differential payments based on said assessment results.** Support for this state evidenced by Urry's article on the analogous rating system used in the hotel industry where the higher the rate the higher the room rate (abstract).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the differential payment base on the assessment results in the invention of Shah and Sundaresan to increase profit margins (Urry, abstract).

Claim 17 is substanually similar to claim 16. Therefore this claim is rejected for the same reasoning given with regards to claim 16.

18. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (US Publication 2004/0073490 A1) in view of Nelson et al (US Patent 7,047,208 B1).

Claim 25 Shah teaches **means for enabling said consumers and said prosumers to communicate a plan** (0013). Shah does not teach **elements of said plan, and a list of information requirements derived from or material to said plan, said requirements including quality, value, cost, or a combination thereof and said quality relates to timeliness, accuracy, error rates, or reliability of said integrated information.**

Nelson teaches **elements of said plan, and a list of information requirements derived from or material to said plan, said requirements including quality, value, cost, or a combination thereof and said quality relates to timeliness, accuracy, error rates, or reliability of said integrated information** (col. 9, lines 35-48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the information on requirements as taught by Nelson since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 26 Shah does not teaches **means for modifying said information requirements in response to changes pertaining to said dynamic environment or to said plan.**

Nelson teaches **means for modifying said information requirements in response to changes pertaining to said dynamic environment or to said plan** (col. 9, lines 35-48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the modification of information requirements as taught by Nelson since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Claim 27** Shah does not teach **means for allocating responsibility for supplying a particular kind of information to a supplier; and means for monitoring said supplier's performance and quality of said particular kind of information.**

Nelson teaches **means for allocating responsibility for supplying a particular kind of information to a supplier** (col. 9, lines 35-48, where the step of allocating is inherent to the process); **and means for monitoring said supplier's performance and quality of said particular kind of information** (col. 12, lines 24-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the supplier assignment and monitoring as taught by Nelson since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Claim 28** Shah and Nelson teach all the limitations of claim 27 from which this claim depends however they do not expressly teach the old and well known concept of **determining differential payments.**

Official notice is taken that **determining differential payments to said supplier based on results of said monitoring** is old and well known in the art and often used in the analogous fields of medicine and government contracts.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah and Nelson the old and well known method of **determining differential payments** is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

19. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (US Publication 2004/0073490 A1) in view of Hesseldahl (Liv Traffic Reports by PDA, published 04/11/03)

Claim 29 Shah teaches **in which said timely information** (0032, "the dynamic delivery service automatically updates the targeted recipient's schedule") **and said integrated information** (0034). However Shah does not teach that this information **relate[s] to traffic flow rates along a planned route in said dynamic environment.**

Hesseldahl teaches information **relate[s] to traffic flow rates along a planned route in said dynamic environment** (par. 3, GPS-enabled device ...warn you of slow traffic conditions (traffic flow rates) and par. 7, keep track of latest traffic information...dynamically updates you).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the traffic flow rate information as taught by Hesseldah since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 30 Shah does not teach **traffic is characterized as air traffic, ground traffic, or digital traffic.**

Hesseldah teaches teach **traffic is characterized as air traffic, ground traffic, or digital traffic** (par. 2, GPS unit in your car where it is old and well known that a car is a type of ground transportation device).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the characterization of the traffic information as taught by Hesseldah since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

20. Claims 31-35 and 39-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (US Publication 2004/0073490 A1) in view of Obradovich (US 6,982,635 B2)

Claim 31 Shah teaches **in which said timely information** (0032, "the dynamic delivery service automatically updates the targeted recipient's schedule") **and said integrated information** (0034). However Shah does not teach that this information **relate[s] to visibility along a planned route in said dynamic environment.**

Obradovich teaches the information **relate[s] to visibility along a planned route in said dynamic environment** (col. 18, lines 3-6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the visibility information as taught by Obradovich since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 32 Shah teaches **in which said timely information** (0032, "the dynamic delivery service automatically updates the targeted recipient's schedule") **and said integrated information** (0034). However Shah does not teach that this information **relate[s] to icing along a planned route in said dynamic environment.**

Obradovich teaches the information **relate to icing along a planned route in said dynamic environment** (col. 18, lines 3-6 and col20, lines 6-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the icing information as taught by Obradovich since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did

separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 33 Shah teaches **in which said timely information** (0032, “the dynamic delivery service automatically updates the targeted recipient’s schedule”) **and said integrated information** (0034). However Shah does not teach that this information **relate[s] to impediments to traffic flow along a planned route in said dynamic environment.**

Obradovich teaches the information relates **to impediments to traffic flow along a planned route in said dynamic environment** (col. 18, lines 7-10; where congestion is the equivalent of impediments).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the information relates to impediments to traffic flow as taught by Obradovich since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 34 Shah teaches **in which said timely information** (0032, “the dynamic delivery service automatically updates the targeted recipient’s schedule”) **and said integrated information** (0034). However Shah does not teach that this information **relate[s] to risks involved along a planned path in said dynamic environment.**

Obradovich teach this information relates **to risks involved along a planned**

**path in said dynamic environment** (col. 18, lines 1-9; where hazardous is the equivalent of risk).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the information relates to impediments to traffic flow as taught by Obradovich since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 35 Shah teaches **in which said timely information** (0032, "the dynamic delivery service automatically updates the targeted recipient's schedule") **and said integrated information** (0034). However Shah does not teach that this information relates **to opportunities involved along a planned path in said dynamic environment.**

Obradovich teach this information relates **to opportunities involved along a planned path in said dynamic environment** (col. 18, lines 21-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the information relates to opportunities in relation to traffic flow as taught by Obradovich since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claims 39-45 Regarding claim 39, which recites the limitation of “**open community model is implemented for**” as such this limitation is being interpreted by the Examiner as a statement of intended use. As such the limitation is not given any patentable weight in keeping with the guidelines of MPEP 7.37.09: a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use then it meets the claim.

Shah teaches an open community model (col. 2, lines 9-15) and Obradovich teaches various sensor devices including GPS tracking (col.5, lines 34-44) therefore the combination of the known elements is capable of performing the intended use then it meets the claim.

This claim is substantially similar to claim 1, and is therefore rejected for the same reasons.

Claims 40-45 recite language which is substantially similar to claim 39. Therefore this claim is rejected for the same reasoning given with regards to claim 39.

21. Claim 36-38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (US Publication 2004/0073490 A1) in view of Vogel et al. (US Publication 2004/0162748 A1)

Claim 36 Shah teaches timely and integrated information (0034) and determining availability (0004). Shah does not teach the **timely information and said integrated**

**information relate to resource availability or unavailability in said dynamic environment.**

Vogel teaches **timely information and said integrated information relate to resource availability or unavailability in said dynamic environment.**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the availability or unavailability feature as taught by Vogel since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 37 Shah teaches timely information (0034). Shah does not teach the **timely information comprises forecast future values or attributes of entities of interest related to a planned course of action in said dynamic environment.**

Vogel teaches **timely information comprises forecast future values or attributes of entities of interest related to a planned course of action in said dynamic environment** (0049).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the forecasting feature as taught by Vogel since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 38 Shah teaches integrated information (0034). Shah does not teach the **integrated information comprises forecast future values or attributes of entities of interest related to a planned course of action in said dynamic environment.**

Vogel teaches **integrated information comprises forecast future values or attributes of entities of interest related to a planned course of action in said dynamic environment** (0049).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the forecasting feature as taught by Vogel since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

22. Claim 46 and 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (US Publication 2004/0073490 A1) in view of Newswire (Younology Introduces Object Technology at Internet Showcase Preview, published 10/1998)

Claim 46 Shah does not teach a **plurality of specialized intelligent objects proliferated in said dynamic environment for supporting members of said open community.**

**Newswire teaches a plurality of specialized intelligent objects proliferated in said dynamic environment for supporting members of said open community (2<sup>nd</sup> paragraph of abstract, page 1).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the intelligent objects as taught by Newswire since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Claim 47** Shah does not teach **some or all of said suppliers, said potential suppliers, said consumers, said potential consumers, said prosumers, and said potential prosumers are characterized as specialized intelligent objects.**

**Newswire teaches some or all of said suppliers, said potential suppliers, said consumers, said potential consumers, said prosumers, and said potential prosumers are characterized as specialized intelligent objects (2<sup>nd</sup> paragraph of abstract, page 1).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Shah the intelligent objects as taught by Newswire since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kimichi et al. (US Publication 2006/0241859 A1) teaches capturing, connecting, and the sharing of information based on geographical location. Scaer et al. (US Patent 6,871,137 B2) teaches an intelligent road and rail information. Business Editors/Technology Writers teaches that system XML is an old and well known World Wide Web Consortium standard.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Folashade Anderson/  
Examiner, Art Unit 3623

/Andre Boyce/  
Primary Examiner, Art Unit 3623